

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JULIAN OKEAYAINNEH,)	
)	
Plaintiff,)	
v.)	Civil Action No. 20-0244 (CKK)
)	
U.S. DEPARTMENT OF JUSTICE, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION¹

Julian Okeayainneh (“plaintiff”) brought this action under the Freedom of Information Act (“FOIA”), *see* 5 U.S.C. § 552, against the United States Department of Justice (“DOJ”) to obtain records maintained by the Federal Bureau of Prisons (“BOP” or “defendant”). On January 28, 2021, the Court issued a Memorandum Opinion and Order (ECF No. 25) granting in part and denying in part without prejudice defendant’s Motion to Dismiss or for Summary Judgment (ECF No. 16).

The sole unresolved matter pertains to 48 pages of records Unit Manager located in plaintiff’s hard copy and electronic Inmate Central Files. *See* White Decl. (ECF No. 16-3), Ex. 4

¹ The Court will grant Plaintiff’s Motion for Leave to File Proposed Judge’s Order and Response and Memorandum in Opposition to Defendants’ Notice of Filing in Lieu of Renewed Motion to Dismiss Claim on Mootness Grounds and Attached Exhibits (ECF No. 31), and has considered it as well as the following documents and all their exhibits/attachments:

- Motion to Dismiss or for Summary Judgment (ECF No. 16)
- Notice of Disclosure in Lieu of Renewed Motion for Summary Judgment (ECF No. 27)
- Motion for Leave to File Proposed Judge’s Order and Response and Memorandum in Opposition to Notice of Disclosure in Lieu of Renewed Motion to Dismiss Claim on Mootness Grounds and Attached Exhibits (ECF No. 29), construed as plaintiff’s amended response to defendant’s Notice of Disclosure in Lieu of Renewed Motion for Summary Judgment (ECF No. 27)
- Notice of Disclosure in Lieu of Renewed Motion for Summary Judgment (ECF No. 30)

(ECF No. 16-7, FOIA Request Worksheet). These records respond to “Item 2” of FOIA Request No. 2019-02952 for “[a] copy of All records of Information Ordering Restitution Vacated received on 5/15/2017 under Criminal Case No 11-CR-87(1) (MJD/JJK).” White Decl., Ex. 2 (ECF No. 16-5 at 2, Freedom of Information Act Request).

Beaubouef’s search yielded copies of a Judgment in Criminal Case, dated August 3, 2018 (ECF No. 1257) (2 pages), a Memorandum of Law and Order, dated August 1, 2018 (ECF No. 1256) (42 pages), and plaintiff’s SENTRY Sentence Monitoring Computation data, dated March 29, 2019 (4 pages). *See* Beaubouef Decl. (ECF No. 30-1) ¶ 3; *see id.*, Ex. A (ECF No. 30-2). BOP has released these 48 pages of records in full. *See generally* Notice of Disclosure in Lieu of Renewed Mot. for Summ. J. (ECF No. 27), Ex. A (ECF No. 27-1); Notice of Disclosure in Lieu of Renewed Mot. for Summ. J (ECF No. 30-2). Nevertheless, plaintiff has insisted that genuine issues of material fact are in dispute with respect to BOP’s search for responsive records and the wrongful withholding of the records Beaubouef located. He is mistaken.

On review of the parties’ submissions, it is apparent that 44 of the 48 pages of records Beaubouef located are duplicates of records located by Designation and Sentence Computation Center Operations Manager Robert C. Jennings in plaintiff’s computation folder and Public Access to Court Electronic Records (PACER). BOP demonstrates that the Judgment in a Criminal Case and Memorandum of Law and Order were among the records BOP has released in full:

- Judgment in Criminal Case, dated August 3, 2018 (ECF No. 1257) (2 pages);
- Memorandum of Law and Order, dated August 1, 2018 (ECF No. 1256) (42 pages);
- Second Amended Judgment in Criminal Case, dated December 23, 2015 (ECF No. 1158) (7 pages);
- Amended Judgment, dated August 29, 2013 (ECF No. 1001) (7 pages);
- Judgment in a Criminal Case, dated August 15, 2012 (7 pages);

- Order, dated May 10, 2017 (ECF No. 1217) (2 pages)
- Statement of Reasons (28 pages)²

See White Decl. ¶¶ 13-14, 16, 20.

Now that BOP has accounted for the 48 pages of records Beaubouef located, there remains no issue for the Court to resolve. *See, e.g., Plunkett v. Dep't of Justice*, 249 F. Supp. 3d 73, 75 (D.D.C. 2017) (“Because the Department has now adequately addressed the Court’s outstanding concern, and because the [agency] has released all 25 pages of the remaining records, the Court has no further function to perform under FOIA.”), *aff’d sub nom. Plunkett v. Doe*, No. 17-5087, 2018 WL 1388574 (D.C. Cir. Feb. 21, 2018). Accordingly, JUDGMENT will be entered for defendants. An Order is issued separately.

DATE: June 25, 2021

/s/
COLLEEN KOLLAR KOTELLY
United States District Judge

² Although BOP policy prevented release of plaintiff’s Statement of Reasons in response to his FOIA request, had the opportunity to review the SOR (28 pages) with his Unit Manager on June 22, 2020. *See* White Decl. ¶¶ 18-20.